

Senate Bill 12

By: Senator Ramsey, Sr. of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
2 relating to dangerous instrumentalities and practices, so as to prohibit the manufacture, sale,
3 and possession in this state of handgun ammunition that does not contain a unique code; to
4 provide for definitions; to provide for the creation of an ammunition coding system data base
5 to be established by the Department of Public Safety; to require the registration of
6 manufacturers and vendors; to require the obtaining and maintenance of certain information;
7 to provide for penalties; to provide for exceptions; to provide for a fee to fund the operation
8 and maintenance of the data base; to provide a tax credit for the purchase of ammunition
9 coding equipment; to provide for related matters; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
14 dangerous instrumentalities and practices, is amended by adding a new part as follows:

15 "Part 6

16 16-11-190.

17 As used in this part, the term:

18 (1) 'Coded' means:

19 (A) The ammunition has been identified in a manner prescribed by the department so
20 that all assembled ammunition contained within a package provided for retail sale, or
21 as otherwise specified by the department, contains a unique identifier that has been
22 applied by etching onto the base of the bullet; and

(B) Bullets used for reloading or handloading handgun ammunition contained within a package provided for retail sale, or as otherwise specified by the department, contain a unique identifier that has been applied by etching onto the base of the bullet.

(2) 'Department' means the Department of Public Safety.

(3) 'Handgun ammunition' means ammunition principally for use in pistols, revolvers, and other firearms capable of being concealed upon the person notwithstanding the fact that the ammunition may also be used in some rifles. The term shall include both assembled ammunition and bullets to be used to assemble handgun ammunition. The term shall not include blank cartridges, shot shells, or projectiles used in black powder handguns.

16-11-191.

(a) On and after January 1, 2010, all handgun ammunition manufactured in this state, sold or offered for sale in this state, imported into this state for sale or personal use, kept for sale in this state, or given, lent, or possessed in this state shall be coded by the manufacturer of the ammunition in accordance with the rules and regulations of the department.

(b) Not later than January 1, 2012, all noncoded handgun ammunition, whether owned by private citizens or commercial entities, shall be disposed of in accordance with the rules and regulations of the department.

16-11-192.

(a) Not later than January 1, 2010, the department shall establish and maintain an ammunition coding system data base.

(b) All manufacturers of handgun ammunition shall register with the department in a manner prescribed by the department by rule or regulation and shall maintain records on the business premises of the manufacturer for a period of seven years concerning all sales, loans, and transfers of handgun ammunition to, from, or within this state.

(c) All vendors of handgun ammunition in this state shall register with the department in a manner prescribed by the department by rule or regulation and shall record for each sale or transfer of handgun ammunition the following information which shall be maintained on the business premises of the vendor for a period of three years from the date of the sale or transfer:

(1) The date of the sale or transfer;

(2) The name of the person to whom the handgun ammunition was sold or transferred;

(3) The driver's license number or other government issued identification card number of the person to whom the handgun ammunition was sold or transferred;

(4) The date of birth of the person to whom the handgun ammunition was sold or transferred;

(5) The unique coded identifiers of all handgun ammunition and bullets transferred; and

(6) All such other information that the department may by rule or regulation require.

(d) The department shall provide by rule and regulation for the submission of the information required to be maintained pursuant to this Code section concerning all sales, loans, and transfers of handgun ammunition to, from, or within this state to the department for inclusion in the ammunition coding system data base.

(e) Records maintained by the department pursuant to this part shall not be subject to disclosure under the provisions of Article 4 of Chapter 18 of Title 50.

16-11-193.

(a) On and after January 1, 2010, any person who knowingly manufactures or causes to be manufactured, imports into this state for sale or personal use, keeps for sale or offers for sale, or sells, gives, or lends any handgun ammunition that is not coded pursuant to this part shall be guilty of a misdemeanor.

(b) On and after January 1, 2010, any person who knowingly possesses any handgun ammunition that is not coded pursuant to this part shall be guilty of a misdemeanor.

(c) On and after January 1, 2010, any person who willfully destroys, obliterates, or otherwise renders unreadable the code required pursuant to this part on any handgun ammunition shall be guilty of a misdemeanor.

(d) On and after January 1, 2010, any manufacturer or vendor of handgun ammunition who willfully fails to register with the department, fails to maintain or falsifies the records required by this part, or willfully destroys, damages, obliterates, mutilates, or otherwise renders unreadable the records required to be maintained by this part shall be guilty of a misdemeanor.

(e) On and after January 1, 2010, any person who willfully damages, obliterates, mutilates, or otherwise renders unreadable the codes required to be on handgun ammunition by this part shall be guilty of a misdemeanor. This shall not include the act of discharging handgun ammunition.

16-11-194.

This part shall not apply to:

(1) The possession for purposes of investigation or disposition of any noncoded handgun ammunition by a forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities;

91 (2) The possession for purposes of investigation, evidence, or disposition of any
92 noncoded handgun ammunition by any state, county, city, or city and county agency
93 charged with law enforcement or by any authorized agent or employee thereof within the
94 course and scope of his or her official duties;

95 (3) The possession of noncoded ammunition for purposes of transporting it to a law
96 enforcement agency for disposal if possession is otherwise lawful and if the law
97 enforcement agency has been notified prior to delivery of the ammunition;

98 (4) The possession by peace officers from other states of noncoded handgun ammunition
99 during the discharge of their official duties in this state; and

100 (5) The possession by members of the Georgia National Guard or the armed forces of the
101 United States of noncoded handgun ammunition during the discharge of their official
102 duties.

103 16-11-195.

104 (a) On and after January 1, 2010, there shall be established a fee imposed on each person
105 who purchases handgun ammunition in this state of \$0.005 per assembled round of
106 handgun ammunition or bullet for handgun ammunition. Such fee shall be collected by the
107 vendor at the time of the sale of the handgun ammunition and shall be remitted to the
108 Department of Revenue on a monthly basis in accordance with procedures established by
109 the Department of Revenue by rule and regulation. The Department of Revenue shall
110 deposit such fees into the state treasury.

111 (b) As soon as practicable after the end of each fiscal year, but not more than six months
112 after the close of the fiscal year, the Office of Treasury and Fiscal Services shall report the
113 amount of funds received pursuant to this Code section to the Governor, the General
114 Assembly, and the Office of Planning and Budget. It is the intention of the General
115 Assembly that an amount equal to such proceeds received from such fees in any fiscal year
116 shall be appropriated during the following fiscal year to the department. These funds shall
117 be used exclusively for the purpose of funding the operation and maintenance of the
118 ammunition coding system data base and compliance by manufacturers and vendors with
119 the provisions of this part.

120 16-11-196.

121 Manufacturers of handgun ammunition based in this state shall be allowed a state income
122 tax credit against the tax imposed by Chapter 8 of Title 48 for the cost of purchasing
123 ammunition coding equipment to comply with the provisions of this part. In no event shall
124 the total amount of the tax credit under this Code section for a taxable year exceed the
125 taxpayer's income tax liability. Any unused tax credit shall be allowed to be carried

126 forward to apply to the taxpayer's next three succeeding years' tax liability. No such tax
127 credit shall be allowed the taxpayer against prior years' tax liability. The credit provided
128 pursuant to this Code section shall be only available to a manufacturer for the first purchase
129 of ammunition coding equipment and shall not be available for subsequent purchases,
130 replacements, repairs, or additions to such equipment. The commissioner of revenue is
131 authorized to promulgate any rules and regulations necessary to implement and administer
132 this Code section.

133 16-11-197.

134 The department is authorized to promulgate any rules and regulations necessary to
135 implement and administer this part."

136 **SECTION 2.**

137 All laws and parts of laws in conflict with this Act are repealed.